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20 Attorneys for Defendants  
21 GRUBHUB HOLDINGS INC. and  
22 GRUBHUB INC.

23 ANDREW TAN and RAEF LAWSON in their  
24 capacities as Private Attorney General  
25 Representatives, and RAEF LAWSON,  
26 individually and on behalf of all other similarly  
27 situated individuals,

28 Plaintiffs,

v.  
GRUBHUB HOLDINGS INC. and  
GRUBHUB INC.,

Defendants.

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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 CASE NO. 3:15-cv-05128-JSC

22 **STIPULATION AND [PROPOSED] ORDER  
23 REGARDING PRETRIAL DEADLINES**

24 Judge: Hon. Jacqueline Scott Corley

25 ACTION FILED: September 23, 2015

26 TRIAL DATE: September 5, 2017

1 Pursuant to Civil L.R. 6-2 and 7-12, the undersigned counsel of record for Plaintiff Raef  
 2 Lawson (“Plaintiff”) and Defendants Grubhub Holdings Inc. and Grubhub Inc. (collectively,  
 3 “Defendants” or “Grubhub”) jointly file the following Stipulation:

4 WHEREAS, on September 16, 2016, the Court issued Pretrial Order No. 1 that set the  
 5 deadline for Hearing Dispositive Motions for March 9, 2017; the Final Pretrial Conference for May 4,  
 6 2017; and, the beginning of trial for June 5, 2017 (Dkt. 77);

7 WHEREAS on January 17, 2017, the Court extended all pretrial and trial dates and deadlines,  
 8 and set the Deadline for Hearing Dispositive Motions for June 15, 2017 (later moved to June 29,  
 9 2017); the Final Pretrial Conference for August 10, 2017; and, the beginning of trial for September 5,  
 10 2017 (Dkt. 82);

11 WHEREAS, on July 11, 2017, the Court issued Case Management and Pretrial Order (Non-  
 12 Jury) No. 2 (the “Order”) that set the discovery cut-off for August 11, 2017; the Final Pretrial  
 13 Conference for August 24, 2017; and the beginning of Phase One Trial on September 5, 2017 (Dkt.  
 14 145);

15 WHEREAS, the Order sets the deadline for filing all items described in Part IV.A—including  
 16 the Joint Proposed Final Pretrial Order, Motions In Limine, Joint Proposed Findings of Fact and  
 17 Conclusions of Law, Separate Disputed Proposed Findings of Fact and Conclusions of Law, Separate  
 18 Memoranda on Conclusions of Law, Trial Briefs on Issues of Law, and Copies of Rule 26(a)(3)  
 19 Disclosures—for 21 days prior to the Final Pretrial Conference, which is August 3, 2017;

20 WHEREAS, the Order currently sets the deadline for filing all items described in Part IV.B—  
 21 including Oppositions to Motions In Limine, Objections to Exhibits and Use of Depositions, and to  
 22 lodge Trial Exhibits with the Deputy Clerk—for 14 days prior to the Final Pretrial Conference, which  
 23 is August 10, 2017;

24 WHEREAS, the parties have met and conferred regarding the pretrial deadlines for all items  
 25 described in Parts IV.A and IV.B, while considering the Court’s statement at the July 10, 2017  
 26 hearing that pretrial “submissions are . . . generally due a week before the pretrial conference” (July  
 27 10, 2017 Hr. Tr. at 42), and also considering that document productions, written discovery, and  
 28

1 depositions will be ongoing through the fact discovery cutoff of August 11, 2017, which is after the  
2 pretrial deadlines for the items described in Parts IV.A and IV.B;

3 WHEREAS, the parties agree that a modification of the deadlines to file the pretrial  
4 submissions described in Parts IV.A and IV.B of the Order is appropriate in light of the August 11,  
5 2017 discovery cut-off and the discovery that remains to be completed, and that such modification of  
6 the deadlines will promote judicial efficiency and conserve the parties' and the Court's resources  
7 because the parties will be in a position to prepare and file one final set of pretrial submissions rather  
8 than prematurely filing incomplete submissions that will need to be supplemented (perhaps  
9 repeatedly) due to ongoing fact discovery;

10 NOW THEREFORE, the Parties hereby stipulate, subject to the approval of this Court, that:

11 1. The parties shall file Motions In Limine on August 11, 2017. The parties shall file  
12 Oppositions to Motions In Limine on August 17, 2017. There will be no Replies.

13 2. With the exception of Motions in Limine, the parties shall file all pretrial submissions  
14 listed in Parts IV.A and IV.B of the Order on August 17, 2017, which is seven days prior to the Final  
15 Pretrial Conference.

16 a. With respect to trial exhibits, the parties shall exchange proposed trial exhibits  
17 by August 11, 2017, and shall serve objections to those trial exhibits by August 15, 2017. Further, to  
18 the extent that documents are produced by the parties on or after August 11, 2017, the parties may  
19 further supplement their exhibit lists after August 11, 2017 with any documents produced on or after  
20 that date, or for which they have good cause for not having included earlier on their lists.

21 All other pretrial and trial dates and deadlines shall remain as currently scheduled.

22 Dated: July 21, 2017

GIBSON, DUNN & CRUTCHER LLP

24 By: /s/ Dhananjay S. Manthripragada  
25 Dhananjay S. Manthripragada

26 Attorneys for Defendants

1 Dated: July 21, 2017

LICHTEN & LISS-RIORDAN, P.C.

2  
3 By: /s/ Shannon Liss-Riordan  
Shannon Liss-Riordan

4 Attorneys for Plaintiffs

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1 [PROPOSED] ORDER  
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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: July 24, 2017

